

REMARKS

In accordance with the foregoing, claims 5 and 8-27 have been cancelled and claim 28 has been added, thus claims 1-4, 6-8 and 28 are pending and under consideration. No new matter is included in this amendment.

The First 35 U.S.C. §103(a) Rejection:

At page 2 of the Office Action, claims 1-2, 4-6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,644,782 to Yeates et al. in view of U.S. Patent 5,751,997 to Kullick et al. This rejection is respectfully traversed. Yeates et al. discloses a computer having a CD-ROM drive 112 for accepting one or more CD ROMs 114. In another embodiment, Yeates et al. discloses a memory device 274 (CD-ROM) which generally contains primary data, i.e., reference data which is not ordinarily modifiable. (Col. 2, lines 56-58). Thus, as admitted by the Examiner, Yeates et al. do not disclose that "the user computer comprises an optical disc recording/reproducing apparatus which records data in or reproduces data from an optical disc, in which a database and a date and time of a last update of the database are recorded, and which is programmed to transmit the date and time of the last update to the server and to record modified/updated data, which is transmitted from the server, on the optical disc," as claimed in claim 1.

The Examiner alleges that it would have been obvious for a person of ordinary skill in the art at the time the invention was made to combine Kullick et al. with Yeates et al. Yeates et al. is directed to updating a data base on a data client from a data base on a remote server. On the other hand, Kullick et al. is directed to backing up multiple computers 18 to centralized mass storage devices 14 and 16 on a regular basis without significant user interaction.

A person of ordinary skill in the art at the time the invention was made would not have been motivated to combine to Kullick et al. with Yeates et al. for at least the following reasons. Although Kullick et al. and Yeates et al. each mention some form of optical disk within the respective disclosures, the optical disc unit 19b shown in FIG. 1 of Kullick et al. is remote from the computer devices 18 and is controlled by a secondary storage device 16 and not by one of the computer devices 18. Kullick et al. do not provide modified/updated data to the computers devices 18. In view of the disclosure of Kullick et al. as a whole, the only data which either the primary storage devices 14 or the secondary storage device 16 would be expected to provide to

a computer device 18 would be data which had been backed up from the computer 18. Thus, Kullick is backing up the computer device 18 and not updating the computer 18 with "modified/updated data" as claimed in claim 1. Although Kullick et al. mentions storing data on the primary storage device 14 in association with a "date last modified" field, it is the primary storage device 14 which, as a part of initiating the backup of computer 18, sends a date last modified to the computer 18 to determine files to be backed up. In Kullick et al., the computer 18 does not send a date last modified to the primary storage device 14 to request modified/updated data from the primary storage device 14.

Regarding claim 2, it is respectfully pointed out that in Yeates et. al., it is the data storage system 270 which has a read only memory device 274 and a read-write auxiliary memory device 276. That is, the read only memory device 270 and the read-write auxiliary memory device 276 are separate entities, one of which (274) is a CD-ROM or an EEPROM which "generally contains primary data, i.e., reference data which is not ordinarily modifiable," (col. 2, lines 56-58) and the other of which (276) is described as "a computer hard disk having a number of selectable storage areas." No mention is made in either Yeates et al. or Kullick et al. of an optical disc having "a reproducible region and a recordable region, and the optical disc recording/reproducing apparatus records modified/updated data transmitted from the server and the date and time of the last update in the recordable region, as claimed in claim 2. In Yeates et al., the "reference data not ordinarily modifiable" is stored on the CD-ROM and the modified/updated data is stored on the computer hard disk. A clear advantage of the present invention is that by storing original data and updated/modified data on the same disc, the disc can easily be moved to another computer without multiple operations to also move the modified/updated data.

Claim 4, as amended, is deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Claims 3 and 7 are deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 4, respectively.

Regarding claim 6, neither Yeates et al. nor Kullick et al. or a combination thereof teach the method of claim 4 further comprising "recording a new date and time of last update of the disc in the recordable region," as claimed in claim 6.

The Second 35 U.S.C. §103(a) Rejection:

At page 2 of the Office Action, claims 3 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,644,782 to Yeates et al. in view of U.S. Patent 5,751,997 to Kullick et al. and further in view of U.S. Patent 6,032,130 to Alloul et al. Claims 3 and 7 are deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 4, respectively.

New claim 28 is deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 4.

Conclusion:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/30/04

By: John H. Stowe
John H. Stowe
Registration No. 32,863

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510